

The National Security Archive

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January 15, 1999

John W. Carlin
Archivist of the United States
National Archives and Record Administration

Dear Mr. Carlin:

We are writing to request that you secure the return to the National Archives of the transcripts of National Security Advisor and Secretary of State Henry Kissinger's telephone conversations between 1969 and 1976 so that they may be declassified and made available to the public. You may recall that these transcripts were included in the large collection of papers transferred to the Library of Congress by Dr. Kissinger in late 1976. Unlike the other government documents transferred to the Library, the collection of transcripts of Dr. Kissinger's official telephone calls exists only in a closed collection at the Library. Because there is no copy in government files, the transcripts are unavailable to the National Archives and members of the public in violation of the law. The telephone transcripts are of enormous current public interest, as manifested by the enclosed news stories concerning our recent publication of *The Kissinger Transcripts*, edited by William Burr, reprinting recently declassified transcripts of Dr. Kissinger's meetings (not phone calls) in Beijing and Moscow.


We ask you immediately to take whatever steps are necessary to secure the return from Dr. Kissinger of these unique and valuable historical government documents. You may be aware that in 1977, the Archives asked Dr. Kissinger for access to these documents, but he refused. Dr. Kissinger had purported to transfer the transcripts to the Library of Congress pursuant to a 24 December 1976 deed of gift describing them as "personal papers" and seeking to impose unilateral and illegal conditions on their access. It is clear, however, that these transcripts are in fact government records. As a federal court pointed out in 1977, the transcripts of Dr. Kissinger's telephone conversations "were produced ... on government time and with the aid of department employees, equipment, materials, and other public resources. Having been prepared and transcribed 'in the discharge of his official duties', the notes are property of the United States."

The Archives should again request Dr. Kissinger to agree to return the documents. Such agreement would obviously eliminate the necessity for more forceful measures. We are hopeful that Dr. Kissinger will now agree, since earlier this week, he told a CNN International interviewer that "I am not trying to hide government documents. That's the government's job, whether to release or not to release." However, if such agreement is not quickly forthcoming, we believe that your statutory responsibilities require taking whatever further steps are necessary to secure immediately the return of these transcripts so that they may be processed for public release.

Sincerely,



Thomas S. Blanton
Executive Director



Kate Martin
General Counsel

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